

**RULES
OF THE
TENNESSEE DEPARTMENT OF PERSONNEL**

**CHAPTER 1120-1
DEFINITIONS**

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1120-1-.01 Definitions

1120-1-.01 DEFINITIONS. The following definitions shall apply to terms as they appear in these rules, unless the context clearly requires otherwise.

- (1) *Act.* Tennessee Code Annotated, Title 8, Chapter 30.
- (2) *Affirmative Action.* The demonstrated commitment to recognize, develop, and utilize the abilities of groups of protected persons.
- (3) *Affirmative Action Plan.* A statistical document which describes an agency's efforts to bring about affirmative action.
- (4) *Agency.* Any board, commission, department, or agency which employs and exercises authority over any employee of the State service.
- (5) *Appointing Authority.* An officer having power to make appointments to and separations from positions in the State service.
- (6) *Appointment.* The official designation of a person to fill a position in State service as an employee.
- (7) *Armed Forces.* The Army, Navy, Air Force, Marine Corps, Coast Guard, their reserve units and the National Guard.
- (8) *Authorized Training.* A structured activity with specific learning objectives requiring expenditure of State resources and the approval of the Commissioner and the Commissioner of Finance and Administration.
- (9) *Bona Fide Offer.* An offer of employment to an employee affected by a reduction in force to a position at a comparable level and in a location previously declared acceptable by the employee.
- (10) *Career Employee.* An employee who holds a career service position in an agency in which the employee has career status.
- (11) *Career Service.* All positions in the State service subject to the civil service provisions of the Act.
- (12) *Career Service Employee.* An employee who holds a position in the career service.
- (13) *Career Status.* The status granted a career service employee by an agency upon completion of any probationary period requirement for the job classification in that agency.
- (14) *Certificate of Eligibles.* The document or record containing the names of the highest ranking available eligibles for a class of positions for consideration by an appointing authority in filling a vacancy.

(Rule 1120-1-.01, continued)

- (15) *Classification/Class of Positions.* A group of positions in the State career service sufficiently alike in duties, authority and responsibilities that the same general qualifications may reasonably be required and the same schedule of pay equitably applied to all positions in the group.
- (16) *Class Specification.* A description of a class of positions including title, duties, authority, responsibilities, minimum qualifications and the relative weights of examination parts.
- (17) *Commission.* The Tennessee Civil Service Commission.
- (18) *Commissioner.* The Commissioner of the Department of Personnel.
- (19) *Compensation Plan.* A series of salary ranges to which classes of positions are assigned so that classifications evaluated as approximately equal can be assigned to the same salary range.
- (20) *Complaint.* A matter which an employee alleges adversely affects his employment, may have the potential of becoming a grievance, and is within the jurisdiction of the appointing authority.
- (21) *Continuing Education Unit (CEU's).* A measure of continuing education completed under responsible sponsorship, capable direction and qualified instruction.
- (22) *Demotion.* The reclassification of an employee to a position of lower salary rank as a result of poor performance or unsatisfactory conduct.
- (23) *Department.* The Department of Personnel.
- (24) *Disabled Person.* Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is generally regarded as having such an impairment.
- (25) *Disabled Veteran.* An honorably discharged armed forces veteran who served on active duty during a war era, and is currently recognized by the United States Government as having a service-connected disability of at least 10 percent resulting in the receipt of compensation or disability retirement benefits.
- (26) *Discrimination.* Any administrative decision based in whole or in part on a person's race, sex, age, religion, national origin or physical or mental disability, except where such decision is supported by bona fide occupational qualification.
- (27) *Division.* A state agency or any of its divisions or branches in which all positions are under the same appointing authority.
- (28) *Eligible.* A person who has qualified for appointment to a position in State service.
- (29) *Emergency Appointment.* The appointment of a person to a career service position, for a period not to exceed one hundred twenty (120) days, when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.
- (30) *Employment Certificate.* A list of eligibles in rank order by examination score compiled from the employment register for a class of positions in accord with all employment requirements specified by the requesting agency.
- (31) *Employment Register.* A list of all persons eligible for appointment to a class of positions.
- (32) *Entrance Rate.* The lowest rate of pay in the salary range for a class of positions.

(Rule 1120-1-.01, continued)

- (33) *Examination.* A test or series of tests designed to assess the relative fitness of individuals to perform the duties associated with a particular class of positions.
- (34) *Executive Service.* All positions in the State service not subject to the civil service provisions of the Act.
- (35) *Executive Service Employee.* An employee who holds a position in the executive service.
- (36) *Fair Labor Standards Act (FLSA).* Federal Government regulations, part of which sets minimum wage and overtime pay requirements.
- (37) *Family and Medical Leave Act (FMLA).* Federal Government regulations setting requirements for granting leave for specified family and medical reasons, for providing insurance coverage during the leave period, and for reinstating employees to the same or an equivalent position once the leave period has ended.
- (38) *Flexibly Staffed Position.* A position in a working level classification which may be filled either with an employee qualified to perform the job at the working level or an employee qualified to perform the job at the trainee level.
- (39) *Full-Time.* A position or an employee budgeted for or scheduled to work a full-time schedule as defined by the Commissioner and the Commissioner of Finance and Administration, usually one thousand nine hundred and fifty (1950) hours or more per year.
- (40) *Governor's Advisory Committee on Equal Employment Opportunity.* The nine member committee appointed by the Governor to review and advise the Governor and the Commissioner of ways to strengthen and improve equal employment opportunity and affirmative action policies in State service.
- (41) *Grievance.* An unresolved written complaint concerning a condition, action or omission that adversely affects an employee's condition of employment within the discretion, jurisdiction, or control of the appointing authority or the Commission.
- (42) *Gross Misconduct.* Any job related conduct which may subject an employee to criminal prosecution.
- (43) *Him/His.* The use of the masculine pronoun throughout these rule chapters is for convenience only and should be construed to apply to employees of both genders.
- (44) *Honorable Discharge.* The separation of a veteran from active duty in the armed forces of the United States under honorable or satisfactory conditions, including transfer to inactive status, transfer to retired status, or return to civilian status through resignation or discharge.
- (45) *Initial Probation/Initial Probationary Period.* The first probationary period an employee serves in a continuous period of employment in an agency pursuant to becoming a career employee in that agency.
- (46) *Interim Appointment.* The appointment of a person to a career service position for a period not to exceed one year.
- (47) *In-Service Training.* An authorized training activity, excluding normal work assignments, which meets CEU standards as outlined by the National Council on the Continuing Education Unit, addresses specific job skills related to the employee's current assignment and the instructor quality and course content have been approved by the Department.
- (48) *Involuntary Reduction in Rank.* The reclassification of an employee to a position of lower salary rank as a result of a change in the organizational structure of the governmental entity, the abolishment of a

(Rule 1120-1-.01, continued)

- position, a reduction-in-force, reasons caused by organizational necessity or compliance with T.C.A. 8-30-212.
- (49) *Lateral Reclassification.* A change from a position in one classification to a position in another classification having similar duties, authority and responsibilities, qualification requirements and the same salary grade.
 - (50) *Layoff.* A separation from State service because of lack of funds, curtailment of work, changes in organizational structure, or abolishment or reclassification of positions.
 - (51) *Legal Resident County.* The county in which a person's home is located and to which he definitely intends to return even though temporarily absent.
 - (52) *Limited Term Appointment.* The appointment of a person to an executive service position as a commissioner, board member, agency member or commission member for a limited term pursuant to statute.
 - (53) *List.* A compilation of eligibles who may be appointed to positions in accordance with these rules, such as employment certificate, promotional certificate, layoff list, work test list, reemployment list, and transfer list.
 - (54) *Major Fraction of a Month.* One-tenth (0.1) of one hour over 50% of the regularly scheduled working hours.
 - (55) *Manager.* An employee who supervises, plans and coordinates the work of other supervisors or an employee who serves in a staff policy making or recommending capacity in an agency.
 - (56) *Merit Factor.* An employee's job performance, conduct, or any knowledge, skill, ability, or competency on which administrative actions can be based.
 - (57) *Non-Merit Factor.* Any factor not defined in item (56) above on which an administrative action can be based.
 - (58) *Official Duty Station.* The town or city where the majority of duties are performed.
 - (59) *Organizational Unit.* Any agency, board, commission, department, or subdivision recognized as a unit for purposes of administration.
 - (60) *Out-Service Training.* An authorized training activity which is open to the public and is sponsored by a vendor, an institution of higher education, a professional association or other organization not a part of State government.
 - (61) *Part-Time.* A position or an employee budgeted or scheduled to work a part-time schedule as defined by the Commissioner and the Commissioner of Finance and Administration, usually less than sixteen hundred (1600) hours per year.
 - (62) *Permanent Employee.* An employee who holds a regular appointment in a permanent position in the executive service.
 - (63) *Permanent Position.* A position which is funded on an annual basis and is expected to continue to receive funding.
 - (64) *Position.* A job consisting of assigned duties, authority, and responsibilities typically performed by one person.
 - (65) *Probationary Period.* A working test period of at least six (6) months duration.

(Rule 1120-1-.01, continued)

- (66) *Promotion.* A change in status of an employee from a position in one classification to a position in another classification having different duties, authority, responsibilities and a higher salary rank.
- (67) *Promotional Register.* A list of career employees eligible for appointment to a class of positions.
- (68) *Reallocation.* A change from one classification to another classification based on a change in the nature or structure of the classification plan.
- (69) *Reasonable Accommodation.* A modification or adjustment to a job, the work environment, or the way things are customarily done that enables a qualified individual with a disability to perform the essential functions of a position.
- (70) *Reclassification.* A change from one classification to another classification based on a change in duties, authority, and responsibilities.
- (71) *Red Circle Pay Rate.* A pay rate for an employee higher than the maximum rate established for the employee's class of positions authorized by Tennessee Code Annotated 8-30-214.
- (72) *Reduction in Force.* Any job action affecting an employee due to lack of funds, curtailment of work, changes in organizational structure, abolishment or reclassification of positions.
- (73) *Reemployment/Reappointment List.* A list of persons who may be appointed to a class of positions without further certification or examination due to their prior career status in the classification or related classification.
- (74) *Register.* A list of names of persons attaining an examination score of seventy (70) or greater for a class of positions.
- (75) *Regular Appointment.* The appointment of a person to a permanent position in either the career or executive service for an indeterminate period of time.
- (76) *Resignation.* A separation from State government at the request of the employee.
- (77) *Salary Grade.* A numeric value which defines the salary range for a class of positions.
- (78) *Salary Range.* The rates of pay from the minimum to the maximum established for a class of positions.
- (79) *Salary Step.* A rate of pay established within a salary range.
- (80) *Seasonal Appointment.* The appointment of a person to an executive service position for an indeterminate period of time to be scheduled to work for a certain period usually recurring each year and generally not exceeding sixteen hundred (1600) hours per year.
- (81) *Seasonal Position.* A position which is funded for a specific period of time, less than one (1) year, and is expected to continue to receive funding.
- (82) *Selective Certification.* The process of identifying eligibles who possess the special qualifications necessary for appointment to a position or a group of positions designated as a sub-classification.
- (83) *Service Group Code.* A number identifying an employee's rate for monthly annual leave accrual and maximum annual leave accumulations allowed, based on the employee's total years of active service in a leave accruing status.

(Rule 1120-1-.01, continued)

- (84) *Sick Leave Bank.* A pool of sick leave hours donated by member employees for use by members who have suffered disability due to an unplanned personal illness or injury.
- (85) *State.* The State of Tennessee.
- (86) *State Employee.* A person employed in a position in State government.
- (87) *State Service.* All offices and positions of trust or employment in the executive branch of state government except those specifically excluded by the Act.
- (88) *Subsequent Probation.* Any probationary period served by an employee in an agency after the successful completion of an initial probationary period in that agency or after the employee becomes a career employee in that agency.
- (89) *Supervisor.* An employee who directly plans and evaluates the work of one or more employees.
- (90) *Suspension.* An enforced leave of absence for disciplinary purposes or pending an investigation or adjudication of charges made against an employee.
- (91) *Temporary Appointment.* The appointment of a person to an executive service position for a temporary period, usually less than six (6) months.
- (92) *Temporary Provisional Appointment.* The appointment of a person to a career service position, for a period not to exceed four (4) months, when there is an insufficient certificate of eligibles or no established register.
- (93) *Test of Fitness.* Any job related methods or measures used to determine the merit and competencies of persons for appointment or promotion to positions in the career service.
- (94) *Trainee.* An employee receiving special study and/or training for a particular position to which he will be appointed upon satisfactory completion of the training period.
- (95) *Training Plan.* A document which describes the intended use of resources for both in-service and out-service training activities for a fiscal year.
- (96) *Transfer.* A change from one position in a classification to another position in the same classification.
- (97) *Veteran.* A person eligible for military preference in appointment as prescribed in T.C.A. 8-30-306.
- (98) *Voluntary Reduction in Rank.* The reclassification of an employee to a position of lower salary rank based on an employee's request and the concurrence of the appointing authority.
- (99) *War Era (Armed Conflict).* War era eligibility dates include World War II, December 7, 1941 to December 31, 1946; Korean Campaign, June 27, 1950 to January 31, 1955; Vietnam Conflict, August 5, 1964 to May 7, 1975; The Lebanon Expedition, the Grenada Expedition, and the Panama Expedition - only veterans who received the "Armed Forces Expeditionary Medal"; and Operation Desert Shield/Storm, August 2, 1990 to end date unestablished.
- (100) *Workday.* A scheduled day of work exclusive of sick leave, holidays or other authorized leave days.
- (101) *Work Test Period.* The probationary period served by an employee with a disability when substituted for a written and/or performance examination required for appointment or promotion to a class of positions.

Authority: T.C.A. §8-30-201. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Amendment filed October 25, 1995; effective February 28, 1996. Amendment filed May 6, 1996; effective July 20, 1996.